**CLOSED** 

## U.S. District Court Eastern District of New York (Central Islip) CIVIL DOCKET FOR CASE #: 2:05-cv-00889-LDW Internal Use Only

McIntosh v. Veeco Instruments Inc. et al Assigned to: Senior-Judge Leonard D. Wexler

Related Cases: 2:05-cv-01277-LDW

2:05-cv-00967-LDW 2:05-cv-01337-LDW

Cause: 15:78m(a) Securities Exchange Act

Date Filed: 02/16/2005
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Movant

Ratan LalChandani

ni
Solistrico

S.D. OF M.T.

represented by Christopher Joseph Keller

Labaton Sucharow & Rudoff LLP

100 Park Avenue

12th Flr.

New York, NY 10017

212-907-0853

Fax: 212-818-0477

Email: ckeller@labaton.com

LEAD ATTORNEY

Movant

The Steelworkers Pension Trust

represented by Sharon Maine Lee

Milberg, Weiss, Bershad & Schulman

One Pennsylvania Plaza New York, NY 10119 212-631-8605

Fax: 212-273-4430

Email: smlee@milbergweiss.com ATTORNEY TO BE NOTICED

<u>Movant</u>

**NECA-IBEW Pension Fund (The** 

Decatur Plan)

represented by Mario Alba, Jr.

Lerach Coughlin Stoia Geller Rudman

& Robbins LLP

200 Broadhollow Road

Suite 406

Melville, NY 11747 631-367-7100

Fax: 631-367-1173

Email: malba@lerachlaw.com

ATTORNEY TO BE NOTICED

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## **Movant**

Capitanio Group

represented by Aaron L. Brody

Stull Stull & Brody 6 East 45th Street

Suite 500

New York, NY 10017

212-687-7230 Fax: 212-490-2022 Email: ssbny@aol.com *LEAD ATTORNEY* 

ATTORNEY TO BE NOTICED

## **Plaintiff**

Andrew McIntosh

Individually and On Behalf of All Others Similarly Situated represented by Evan Jason Smith

Brodsky & Smith, LLC 240 Mineola Blvd. Mineola, NY 11501 516-741-4977

Email: esmith@brodsky-smith.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

**Defendant** 

Veeco Instruments Inc.

**Defendant** 

**Edward Braun** 

**Defendant** 

John Rein, Jr.

Date Filed	#	Docket Text
02/16/2005	<b>9</b> 1	COMPLAINT against Veeco Instruments Inc., Edward Braun, John Rein, Jr filing fee \$ 250, receipt number 305955, filed by Andrew McIntosh. (Attachments: # 1 Civil Cover Sheet)(Duong, Susan) (Entered: 02/23/2005)
02/16/2005	•	Summons Issued as to Veeco Instruments Inc., Edward Braun, John Rein, Jr. (Duong, Susan) (Entered: 02/23/2005)
02/28/2005	•	Case Ineligible for Arbitration(Bollbach, Jean) (Entered: 02/28/2005)
04/04/2005	<b>9</b> 2	STIPULATION re 1 Complaint to be amended within sixty (60) days of the appointment of lead plaintiff and lead counsel. Defendants must answer, move or otherwise respond to the consolidated amended complaint forty-five (45) days after the filing of the consolidated amended

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		complaint with the court. Service of Plaintiff's Original Class Action Complaint accepted by Veeco Instruments Inc., Edward Braun, John Rein, Jr. (Serio, Robert) (Entered: 04/04/2005)
04/04/2005	<b>9</b> 3	ORDER The above-captioned case has been referred to E. Thomas Boyle, USMJ, for purposes of scheduling discovery, resolution of discovery disputes, settlement conferences and any other purposes set forth at 28 U.S.C. 636(b)(1)(A). Initial Conference set for 6/28/2005 09:30 AM before Magistrate-Judge E. Thomas Boyle. (See order for further instructions). Signed by Judge E. Thomas Boyle on 4/4/05. (Lundy, Lisa) (Entered: 04/05/2005)
04/06/2005	•	ORDER re 2 Stipulation, filed by Edward Braun,, Veeco Instruments Inc.,, John Rein, Jr. So Ordered. Signed by Judge Leonard D. Wexler on 04/06/05. (Ausili, Peter) (Entered: 04/06/2005)
04/18/2005	<b>9</b> 4	MOTION to Consolidate Cases and for Appointment as Lead Plaintiff by Ratan LalChandani. (Keller, Christopher) (Entered: 04/18/2005)
04/18/2005	<b>4</b> 5	AFFIDAVIT in Support re 4 MOTION to Consolidate Cases and for Appointment as Lead Plaintiff filed by Ratan LalChandani. (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit)(Keller, Christopher) (Entered: 04/18/2005)
04/18/2005	<b>9</b> 6	RESPONSE in Support re 4 MOTION to Consolidate Cases and for Appointment as Lead Plaintiff filed by Ratan LalChandani. (Keller, Christopher) (Entered: 04/18/2005)
04/18/2005	•7	MOTION to Appoint Counsel NOTICE OF MOTION BT THE STEELWORKERS PENSION TRUST FOR CONSOLIDATION, FOR ITS APPOINTMENT AS LEAD PLAINTIFF ON BEHALF OF THE CLASS AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL by The Steelworkers Pension Trust. (Attachments: # 1 Text of Proposed Order)(Lee, Sharon) (Entered: 04/18/2005)
04/18/2005	●8	RESPONSE in Support re 7 MOTION to Appoint Counsel NOTICE OF MOTION BT THE STEELWORKERS PENSION TRUST FOR CONSOLIDATION, FOR ITS APPOINTMENT AS LEAD PLAINTIFF ON BEHALF OF THE CLASS AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL filed by The Steelworkers Pension Trust. (Attachments: # 1 Certificate of Service)(Lee, Sharon) (Entered: 04/18/2005)
04/18/2005	<b>⊕</b> 9	AFFIDAVIT in Support re 7 MOTION to Appoint Counsel NOTICE OF MOTION BT THE STEELWORKERS PENSION TRUST FOR CONSOLIDATION, FOR ITS APPOINTMENT AS LEAD PLAINTIFF ON BEHALF OF THE CLASS AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL Declaration of Peter E. Seidman filed by The Steelworkers Pension Trust. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D (part I)# 5 Exhibit D (part II)# 6 Exhibit E)(Lee, Sharon) (Entered: 04/18/2005)

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04/18/2005	<b>⊕</b> <u>10</u>	MOTION to Consolidate Cases Appoint Lead Plaintiff and Approve Lead Counsel by NECA-IBEW Pension Fund (The Decatur Plan).  (Attachments: # 1 Text of Proposed Order)(Alba, Mario) (Entered: 04/18/2005)
04/18/2005	<b>9</b> <u>11</u>	AFFIDAVIT in Support re 10 MOTION to Consolidate Cases Appoint Lead Plaintiff and Approve Lead Counsel filed by NECA-IBEW Pension Fund (The Decatur Plan). (Attachments: # 1 Exhibit A - certification# 2 Exhibit B - loss chart# 3 Exhibit C - notice of first filed action# 4 Exhibit D - firm resume)(Alba, Mario) (Entered: 04/18/2005)
04/18/2005	<b>●</b> <u>12</u>	RESPONSE in Support re 10 MOTION to Consolidate Cases Appoint Lead Plaintiff and Approve Lead Counsel filed by NECA-IBEW Pension Fund (The Decatur Plan). (Alba, Mario) (Entered: 04/18/2005)
04/18/2005	<b>9</b> 13	MOTION to Appoint Counsel by Capitanio Group. (Attachments: # 1 Memorandum in Support# 2 Text of Proposed Order # 3 Affidavit # 4 Exhibit A# 5 Exhibit B# 6 Exhibit C# 7 Exhibit D)(Brody, Aaron) (Entered: 04/18/2005)
04/21/2005	<b>●</b> <u>14</u>	ORDER. The initial conferences previously set for June 28, 2005 at 9:30 a.m. before the undersigned have been rescheduled for October 17, 2005 at 9:30 a.m. at the Alfonse M. D'Amato U.S. Courthouse, Courtroom 830, Central Islip, New York. All counsel shall be present. SEE order for further details. Ordered by Judge E. Thomas Boyle on 4/21/05. Defendants' counsel is directed to serve a copy of this order on all parties upon receipt. (Joy, Dolores) (Entered: 04/21/2005)
04/29/2005	<b>⊕</b> <u>15</u>	NOTICE by Veeco Instruments Inc., Edward Braun, John Rein, Jr have filed with the Judicial Panel on Multidistrict Litigation ("MDL Panel") a Motion to Transfer and Consolidate Actions ("Motion") pursuant to 28 U.S.C. ? 1407 (Attachments: # 1 Exhibit A - Notice of Motion# 2 Exhibit B - Memorandum of Law# 3 Exhibit C - Declaration)(Serio, Robert) (Entered: 04/29/2005)
05/02/2005	<b>⊉</b> 16	MEMORANDUM in Support re 4 MOTION to Consolidate Cases and for Appointment as Lead Plaintiff by Ratan LalChandani. (Keller, Christopher) (Entered: 05/02/2005)
05/02/2005	<b>●</b> <u>17</u>	RESPONSE in Opposition re 10 MOTION to Consolidate Cases Appoint Lead Plaintiff and Approve Lead Counsel, 4 MOTION to Consolidate Cases and for Appointment as Lead Plaintiff, 13 MOTION to Appoint Counsel The Steelworkers Pension Trust's Memorandum of Law in Further Support of Its Motion for Appointment as Lead Plaintiff and In Opposition to the Competing Motions for Appointment as Lead Plaintiff filed by The Steelworkers Pension Trust. (Attachments: # 1 Certificate of Service)(Lee, Sharon) (Entered: 05/02/2005)
05/02/2005	<b>●</b> <u>18</u>	AFFIDAVIT in Opposition re 10 MOTION to Consolidate Cases Appoint Lead Plaintiff and Approve Lead Counsel, 4 MOTION to Consolidate Cases and for Appointment as Lead Plaintiff, 13 MOTION to Appoint Counsel Declaration of Peter E. Seidman In Further Support of Motion by The Steelworkers Pension Trust For Consolidation, For Its

		Appointment As Lead Plaintiff and For Approval of Lead Plaintiff's Selection of Lead Counsel and Liaison Counsel filed by The Steelworkers Pension Trust. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C)(Lee, Sharon) (Entered: 05/02/2005)
05/05/2005	<b>●</b> 19	AFFIDAVIT in Opposition re 4 MOTION to Consolidate Cases and for Appointment as Lead Plaintiff, 7 MOTION to Appoint Counsel NOTICE OF MOTION BT THE STEELWORKERS PENSION TRUST FOR CONSOLIDATION, FOR ITS APPOINTMENT AS LEAD PLAINTIFF ON BEHALF OF THE CLASS AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL, 13 MOTION to Appoint Counsel filed by NECA-IBEW Pension Fund (The Decatur Plan). (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D)(Alba, Mario) (Entered: 05/05/2005)
05/05/2005	<b>⊉</b> 20	RESPONSE in Opposition re 4 MOTION to Consolidate Cases and for Appointment as Lead Plaintiff, 7 MOTION to Appoint Counsel NOTICE OF MOTION BT THE STEELWORKERS PENSION TRUST FOR CONSOLIDATION, FOR ITS APPOINTMENT AS LEAD PLAINTIFF ON BEHALF OF THE CLASS AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL, 13 MOTION to Appoint Counsel filed by NECA-IBEW Pension Fund (The Decatur Plan). (Alba, Mario) (Entered: 05/05/2005)
05/11/2005	<b>●</b> 21	MOTION to Withdraw as Attorney by Marc Topaz, Esquire, Richard Maniskas, Esquire and Schiffrin & Barroway, LLP by Andrew McIntosh. (Attachments: # 1 Declaration of Richard Maniskas in Support of Withdrawal as counsel# 2 Proposed Order# 3 Proof of Mailing)(Smith, Evan) (Entered: 05/11/2005)
05/11/2005	<b>●</b> <u>26</u>	Letter from Wm. Terrell Hodges, Chairman, JPMDL, to Involved Judges dated 5/4/05 re: presently before the Panel pursuant to 28:1407 is a motion to transfer which includes at least one action before you re: MDL-1695 In re Veeco Instruments Inc. Securities Litigation. The parties will have an opportunity to fully brief the question of transfer and the matter will be considered at a bimonthly Panel hearing session. In the meantime, your jurisdiction continues until any transfer ruling by the Panel become effective. (Mahon, Cinthia) (Entered: 05/16/2005)
05/12/2005	<b>3</b> 22	RESPONSE in Support re 10 MOTION to Consolidate Cases Appoint Lead Plaintiff and Approve Lead Counsel filed by NECA-IBEW Pension Fund (The Decatur Plan). (Alba, Mario) (Entered: 05/12/2005)
05/12/2005	<b>⊉</b> 23	REPLY to Response to Motion re 10 MOTION to Consolidate Cases Appoint Lead Plaintiff and Approve Lead Counsel, 4 MOTION to Consolidate Cases and for Appointment as Lead Plaintiff THE STEELWORKERS PENSION TRUST'S REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF ITS MOTION FOR APPOINTMENT AS LEAD PLAINTIFF AND IN OPPOSITION TO THE COMPETING MOTIONS FILED BY RATAN LALCHANDANI AND NECA-IBEW PENSION FUND (THE DECATUR PLAN) filed by The Steelworkers

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I	1	Pension Trust. (Attachments: # 1 Certificate of Service)(Lee, Sharon)
	Ι,	(Entered: 05/12/2005)
05/12/2005	<b>⊕</b> <u>24</u>	RESPONSE in Opposition re 10 MOTION to Consolidate Cases Appoint Lead Plaintiff and Approve Lead Counsel, 4 MOTION to Consolidate Cases and for Appointment as Lead Plaintiff, 7 MOTION to Appoint Counsel NOTICE OF MOTION BT THE STEELWORKERS PENSION TRUST FOR CONSOLIDATION, FOR ITS APPOINTMENT AS LEAD PLAINTIFF ON BEHALF OF THE CLASS AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL filed by Ratan LalChandani. (Keller, Christopher) (Entered: 05/12/2005)
05/12/2005	<b>●</b> 25	AFFIDAVIT in Support re 10 MOTION to Consolidate Cases Appoint Lead Plaintiff and Approve Lead Counsel, 4 MOTION to Consolidate Cases and for Appointment as Lead Plaintiff DECLARATION OF PETER E. SEIDMAN IN SUPPORT OF REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF STEELWORKERS PENSION TRUST MOTION FOR APPOINTMENT AS LEAD PLAINTIFF AND IN OPPOSITION TO THE COMPETING MOTIONS FILED BY RATAN LALCHANDANI AND NECA-IBEW PENSION FUND (THE DECATUR PLAN) filed by The Steelworkers Pension Trust. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H# 9 Exhibit I)(Lee, Sharon) (Entered: 05/12/2005)
05/24/2005	<b>●</b> <u>27</u>	NOTICE by The Steelworkers Pension Trust NOTICE OF FILING OF THE STEELWORKERS PENSION TRUSTS RESPONSE TO THE MOTION OF VEECO INSTRUMENTS, INC., EDWARD H. BRAUN AND JOHN F. REIN, JR., TO TRANSFER AND CONSOLIDATE ACTIONS FOR PRETRIAL PROCEEDINGS (Attachments: # 1 Exhibit A)(Lee, Sharon) (Entered: 05/24/2005)
05/24/2005	<b>⊉</b> <u>28</u>	NOTICE by NECA-IBEW Pension Fund (The Decatur Plan) Filing Of NECA-IBEW Pension Fund?s Memorandum Of Law In Response To Defendants Veeco Instruments Inc., Edward H. Braun and John F. Rein, Jr.?s Motion To Transfer And Consolidate Actions For Pretrial Proceedings (Attachments: # 1 Exhibit A)(Alba, Mario) (Entered: 05/24/2005)
06/06/2005	<b>2</b> 29	NOTICE by Veeco Instruments Inc., Edward Braun, John Rein, Jr of Filing with MDL Panel of Reply Memorandum in Support of the Motion to Transfer and Consolidate Actions (Serio, Robert) (Entered: 06/06/2005)
06/17/2005	<b>⊕</b> <u>30</u>	Letter from Michael J. Beck, Clerk, JPMDL, dated 6/14/05 re: Notice of Hearing Session on 7/28/05 at the Alfred A. Arraj U.S. Courthouse in Denver, Colorado 80202 at 9:30 a.m. re: MDL-1695 In re Veeco Instruments Inc. Securities Litigation. (Mahon, Cinthia) (Entered: 06/23/2005)
08/25/2005	<b>●</b> 32	Letter from Dorothy Guranich, Deputy Clerk, SDNY, to Clerk, EDNY,

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		dated 8/23/05 re: enclosing a cert. copy of the transfer order of the JPMDL transferring this action to the SDNY and assigning it to Judge McMahon for coordinated or consolidated pretrial proceedings pursuant to 28:1407. RE: MDL-1695 In re Veeco Instruments Inc. Securities Litigation SDNY Case # 05cv7446 (Mahon, Cinthia) (Entered: 10/07/2005)
08/25/2005	<b>9</b> <u>34</u>	TRANSFER ORDER (cert. copy) pursuant to 28:1407 this action is transferred to the SDNY, with the consent of that court, and assigned to the Hon. Colleen McMahon. Issued by the JPMDL on 8/22/05. Re: MDL-1695 In re Veeco Instruments Inc. Securities Litigation. (Mahon, Cinthia) (Entered: 10/07/2005)
08/25/2005		***Civil Case Terminated. (Mahon, Cinthia) (Entered: 10/11/2005)
08/26/2005	<b>3</b> 31	Letter from Clerk, JPMDL, to J. Michael McMahon, Clerk, SDNY, dated 8/22/05 re: enclosing a cert. copy of a transfer order filed today by the Panel in this matter. The Panel's governing statute 28:1407, requires that the transferee clerk "transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred. RE: MDL-1695 In re Veeco Instruments Inc. Securities Litigation (Mahon, Cinthia) (Entered: 09/14/2005)
10/07/2005	<b>9</b> <u>33</u>	ORDER. The initial conference scheduled for October 17, 2005 at 9:30 a.m. is canceled, based on the MDL Panel Transfer Order, dated August 22, 2005. Defendants' counsel is directed to serve a copy of this Order on counsel for all parties appearing in this case. Ordered by Judge E. Thomas Boyle on 10/7/05. (Joy, Dolores) (Entered: 10/07/2005)
10/07/2005	•	Judge E. Thomas Boyle no longer assigned to case. (Lundy, Lisa) (Entered: 10/07/2005)

A TRUE COPY
DATED COPY
20.05
ROBERT C. HEINEMANN
BY
DEPUTY CLERK